

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 6021 OF 2021

Satish Kumar

..... ***Petitioner***
Mr. G.C.Rout, Adv.

-versus-

State of Odisha

..... ***Opposite Party***
Mr.P.Mohapatra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
24.06.2022

Order No.
04.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The Petitioner is an accused in connection with T.R. Case No.48 of 2021 arising out of Nandapur P.S. Case No. 56 of 2021 on the file of learned Addl. Sessions Judge-cum-Special Judge, Koraput, registered for the alleged commission of offence under Sections 20(b)(ii)(C)/25 of the NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Koraput, by order dated 14.07.2021, the present BLAPL has been filed.
5. It is submitted by learned counsel for the petitioner that though the petitioner is in custody since 19.05.2021, there is no progress in trial and relying on the judgment of the Apex Court in the

case of **Hussainara Khatoon & others Vrs. State of Bihar**, reported in (1980) 1 SCC 81 seeks release of the petitioner on bail. It is submitted that the petitioner is a victim of circumstances as such conscious exclusive possession cannot be attributed to her.

6. Learned counsel for the State submits that since the contraband was recovered from the vehicle in which the petitioner is an occupant and in view of the bar contained Under Section 37 of the NDPS Act, the petitioner is not entitled to be released on bail.

7. Considering the submission of the petitioner that he was an occupant of the vehicle and as such not aware of contraband being carried and non-commencement of trial as stated, this Court directs that the petitioner shall be released on bail on such terms to be fixed by the learned court in seisin over the matter so as to ensure his presence on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of this order as per Rules.

(*V.Narasingh*)
Judge

Dhal